



Ethics & Elections Committee

**Wednesday, February 22, 2006
1:00 PM – 2:00 PM
306 HOB**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Allan G. Bense

Ethics & Elections Committee

Start Date and Time: Wednesday, February 22, 2006 01:00 pm

End Date and Time: Wednesday, February 22, 2006 02:00 pm

Location: 306 HOB

Duration: 1.00 hrs

Consideration of the following bill(s):

HB 773 Petition Process by Goodlette

NOTICE FINALIZED on 02/10/2006 15:02 by ELLINOR.MARTHA

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 773
SPONSOR(S): Goodlette
TIED BILLS:

Petition Process

IDEN./SIM. BILLS: SB 1244

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Ethics & Elections Committee</u>	<u></u>	<u>Mitchell</u>	<u>Mitchell</u>
2) <u>Transportation & Economic Development Appropriations Committee</u>	<u></u>	<u></u>	<u></u>
3) <u>State Administration Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

HB 773 creates the "Petition Fraud and Voter Protection Act" and establishes a number of safeguards for the initiative petition process. The bill attempts to closely regulate the petition verification process, to require that additional information be provided to a voter who signs a petition, and to regulate petition circulators, in particular paid circulators, primarily by requiring greater disclosure on the part of the circulators.

The bill also authorizes additional criminal sanctions against people who abuse the petition process, either through fraud or misrepresentation, or through the misuse of signed petitions or voter registrations.

A similar version of this bill passed the House by a vote of 96-22 in 2005 (HB 1471), but died on the Senate floor on May 6, 2005.

Except as otherwise expressly provided, the bill is effective August 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill implicates the principle of promoting personal responsibility in that it requires persons who collect signatures for citizen initiatives to be held more accountable for the accuracy of the signatures and to provide additional information to voters when they sign initiative petitions.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

Art. XI, Fla. Const., governs amendments to the State Constitution. A proposed amendment is presented to the voters pursuant to one of the following methods¹:

- Joint resolution passed by 3/5 vote of each house of the Legislature;
- Initiative petition;
- Proposal by the Constitution Revision Commission;
- Proposal by the Taxation and Budget Reform Commission; or
- Proposal by a constitutional convention.

Prior to the 1968 revision of the State Constitution, amendments could be proposed only by constitutional convention or through resolutions adopted by the Legislature. Florida adopted the citizen initiative process in 1968.² The first initiative appeared on Florida's ballot in 1976 and was adopted by the voters.³ From 1976-2002, there have been 104 proposed constitutional amendments on the ballot, 21 of which were proposed by initiative.⁴ Sixteen of the 21 initiative amendments were approved by Florida's electors.⁵

During the past ten years, there has been a marked increase in the number of citizen initiatives. In 1996, 37 initiatives were circulated, three of which made the ballot; in 1998, 27 initiatives were circulated, none of which made the ballot; in 2000, 16 initiatives were circulated, one of which made the ballot; and in 2002, 23 initiatives were circulated, four of which made the ballot.⁶

The procedure for placing an initiative on the ballot is provided in s. 100.371, F.S. To obtain ballot position:

- the sponsor of an amendment must register as a political committee pursuant to s. 106.03, F.S., and submit the text of the amendment with the form on which the signatures will be obtained; the form must be approved by the Secretary of State before signatures are obtained;

¹ Art. XI, s. 1, Fla. Const. (legislature); Art. XI, s. 2, Fla. Const. (Revision Commission); Art. XI, s. 3, Fla. Const. (citizen initiative); Art. XI, s. 4, Fla. Const. (constitutional convention); Art. XI, s. 6, Fla. Const. (Taxation and Budget Reform Commission).

² Art. XI, s. 3, Fla. Const.

³ Amendment #1; Art. II, s. 8, Fla. Const. (The so-called "Sunshine Amendment." Votes For - 1,765,626; Votes Against - 461,940).

⁴ Statistics provided by the Division of Elections.

⁵ Id.

⁶ Id. While there were no citizen initiatives on the ballot in 1998, there were four amendments proposed by legislative resolution and nine amendments proposed by the Constitutional Revision Convention.

- the Secretary of State must determine the total number of valid signatures and the distribution from congressional districts⁷; signatures are valid for four years from the date when made;
- the certification of ballot position must be completed by February 1 of the year the general election is held⁸; and
- the Supreme Court must approve the validity of the proposal.

In 2004, 488,722 signatures were required for ballot certification; in 2006, 611,009 signatures were required for ballot certification.

As of January 31, 2006, there are 50 active citizen initiatives according to the Division of Elections web site⁹. Pursuant to a constitutional amendment adopted in 2004, initiative petitions must be filed and certified with the custodian of state records (Department of State) by February 1 of the year in which the general election is held.¹⁰ There are two citizen initiatives that made ballot position by the required February 1 deadline for the 2006 general election.

The first proposed amendment requires the legislature to annually use some of the state's tobacco settlement funds for a statewide tobacco education and prevention program targeted at youth.¹¹

The second proposed amendment would create a fifteen member commission to replace the legislature to apportion single-member legislative and congressional districts.¹²

Criminal Penalties

Certain criminal sanctions exist with regard to the voter registration and petition process. Paying a person to register to vote, paying someone to solicit voter registrations based upon the number of registrations obtained, and altering a voter registration application are all third degree felonies.¹³ Signing a petition for a particular issue more than once, or signing another person's name, or a fictitious name, to a petition, is a first degree misdemeanor.¹⁴ Supervisors of elections are currently authorized to investigate fraudulent registrations and illegal voting, and may report their findings to the state attorney or the Florida Elections Commission.¹⁵

During the 2004 election cycle, numerous stories appeared in newspapers throughout the state of Florida concerning alleged petition fraud. Two petition gatherers were arrested in Santa Rosa County for over 40 counts each of uttering a forged document.¹⁶ Several other supervisors of elections found petitions signed with the names of dead voters.¹⁷

The Florida Department of Law Enforcement issued a press release in October of 2004 indicating that it had received numerous complaints relating to voting irregularities regarding voter fraud, and had initiated several investigations. While the FDLE did not reveal details of the investigations, it did say the investigations focused on the following conduct:

⁷ Art. XI, s. 3, Fla. Const., requires that signatures be obtained in at least ½ of the state's congressional districts, and of the state as a whole, equal to eight percent of the voters casting ballots in the last Presidential election.

⁸ The new February 1 deadline was approved in the 2004 general election and is contained in s. 5(b), Art. XI, Fla. Const. Section 100.371, F.S. which implements this constitutional provision was amended in 2005 to include the February 1 deadline (s. 28, ch. 2005-278, Laws of Fla.), but the change is not effective until January 1, 2007.

⁹ <http://election.dos.state.fl.us/initiatives/initiativelist.asp>

¹⁰ S.J.R. 2394 amended s. 5, Art. XI, Fla. Const., and was approved by the voters on November 2, 2004.

¹¹ Floridians for Youth Tobacco Education, Inc. The smoking education initiative began July 20, 2005, and collected 650,403 certified petition signatures. Information taken from the Division of Elections web site.

¹² Committee for Fair Elections. The apportionment commission initiative began March 23, 2005, and collected 689,325 certified petition signatures. Information taken from the Division of Elections web site.

¹³ s. 104.012, F.S.

¹⁴ s. 104.185, F.S.

¹⁵ s. 104.42, F.S.

¹⁶ See, "Two Pace residents accused in voter scam," Derek Pivnick, *Pensacola News Journal*, page 1A, July 2, 2004.

¹⁷ See, "Names of dead persons found on petitions," Joni James and Lucy Morgan, *St. Petersburg Times*, September 28, 2004.

In some cases, persons who believed they were signing petitions later found out that their signatures or possible forged signatures were used to complete a fraudulent voter registration. In other instances, it appears that workers hired to obtain legitimate voter registrations filled in the information on the registration forms that should have been completed by the registrants. On several occasions, workers appear to have signed multiple voter registrations themselves using information obtained during the registration drive. In many of the situations complained about, the workers were being paid on the basis of each registration form submitted.¹⁸

Proposed Situation

See **Section Directory** below.

C. SECTION DIRECTORY:

Section 1. Provides a title, "Petition Fraud and Voter Protection Act."

Section 2. Amends s. 99.097, F.S., regarding the verification of signatures on petitions.

- Clarifies that the supervisors are verifying signatures and not checking names.
- Requires that petitions be verified one at a time and not by random sample. (This codifies current practice and only applies to initiative petitions and not candidate qualifying petitions.)
- Prohibits counting petitions toward ballot placement unless all provisions are met.
- Prohibits a petition sponsor from filing an undue burden oath, but then paying signature gatherers.
- Requires payment to the supervisors or repayment to the state if the sponsor switches from volunteer to paid gatherers and has previously filed an undue burden oath.
- Creates the ability to file a court challenge by a political committee or elector, alleging improper verification, and requires proof by a preponderance of the evidence. Improperly verified signatures will not be counted. Such a challenge must be filed no later than 90 days after an issue makes ballot position
- Removes or invalidates vote if sponsor uses petition fraud to get on the ballot.

Section 3. Amends s. 100.371, F.S., regarding initiatives and procedures for placement on the ballot.

- Only permits a petition form to contain the information required by statute or Division of Elections rules.
- Makes the Division of Elections responsible for contents of petition forms.
- Codifies the Division rule that initiative petitions are deemed political advertisements (requiring certain disclaimers).

¹⁸ "FDLE Investigates Statewide Voter Fraud," press release, Florida Department of Law Enforcement, October 21, 2004.

- Requires that the voter, not the amendment sponsor, place a date on the petition.
- Requires that a valid petition include:
 - an original signature, date, name, address, and voter registration number or date of birth.
 - must be a registered voter to sign.
 - must be received by the appropriate supervisor within 30 days of signature.
 - must note if presented the petition by a petition circulator.
 - requires all petition circulators comply with regulations.
- Allows voter to take a form from a petition circulator and mail it in.
- Notes required elements of petition form.
- Creates a process for revocation of one's signature. A petition revocation form shall be adopted by rule by the Division of Elections. Such form must be filed by an elector no later than February 1 immediately preceding the general election (or by Feb. 1 of the next successive general election, if the initiative has not received ballot position).
- Supervisors are required to retain all petition and revocation forms for one year after the election.

Section 4. Technical, conforming change. This section repeals section 28 of chapter 2005-278, Laws of Fla. The bill sponsor intends to amend this statutory section affected by this repeal and make it effective January 1, 2007, as the chapter law did. The change is necessary to accommodate the new statewide voter registration system which went on-line January 1, 2006.

Section 5. Technical, conforming change. The changes which must be effective January 1, 2007, to accommodate the new statewide voter registration system, as described above are contained in this section, effective January 1, 2007.

Section 6. Creates s. 100.372, F.S., regarding regulation of initiative petition circulators.

- Regulates petition circulators by defining "petition circulator", and "paid petition circulator"; requires petition circulators to be 18 years old and eligible to register to vote in this or any other state in the U.S.; and provides that circulators cannot be convicted felons who are ineligible to vote.
- Requires paid circulators to wear a badge identifying themselves as paid circulators.
- Provides protections for property owners, who may:
 - Prohibit activity which supports or opposes initiatives; or
 - Permit or prohibit activity which supports or opposes initiatives; or
 - Permit activity which supports or opposes initiatives, subject to uniform time, place, or manner restrictions.
- Requires a valid petition form to:
 - set forth the name of the organization,
 - the website of the organization,

- an indication of whether the circulator is paid or unpaid, and
 - the amount of compensation, if the circulator is a paid employee.
- Paid circulators must attach to their petitions a signed and dated declaration under penalty of perjury. Such declaration must include: 1) the circulator's name, address, date of birth, voter registration number or similar government-issued identification number, and 2) be signed and dated by circulator.
 - Declaration must state that the paid circulator:
 - has read and understands the law;
 - is at least 18 years old;
 - is eligible to register to vote;
 - collected the enclosed forms;
 - witnessed the signatures (made in circulator's presence) and they are the actual voter's signatures;
 - believes that a signer was a registered voter; and
 - has not been paid by the signature.
 - Petitions without a declaration are invalid.
 - Paid petition circulators must provide an initiative sponsor a copy of a government-issued photo ID that reflects the circulator's proper residence. The sponsor must maintain these cards for inspection, and if not on file with the sponsor, petitions are invalid.

Section 7. Amends s. 101.161, F.S., regarding referenda and ballots.

- Technical change to correct a reference to s. 100.371(10), F.S.

Section 8. Technical, conforming change. This section repeals section 33 of chapter 2005-278, Laws of Fla. The bill sponsor intends to amend this statutory section affected by this repeal and make it effective January 1, 2007, as the chapter law did. The change is necessary to accommodate the new statewide voter registration system which went on-line January 1, 2006.

Section 9. Technical, conforming change. The changes which must be effective January 1, 2007, to accommodate the new statewide voter registration system, as described above are contained in this section, effective January 1, 2007.

Section 10. Amends s. 104.012, F.S., regarding consideration for registration and interference with registration.

- Makes the failure to submit a voter registration to the appropriate supervisor of elections within 10 days a third degree felony. (This tracks existing criminal sanctions in the election code).

Section 11. Amends s. 104.185, F.S., regarding violations involving petitions.

- For all of the following infractions, a first offense is a first-degree misdemeanor, and subsequent offenses are third-degree felonies:
 - Signing someone else's name to a petition.
 - Swearing a false oath or affirmation in connection with a petition.

- Submitting false information on a petition or petition revocation form.
- Providing something of value for signing a petition.
- Bribing or threatening a person in order to obtain a signature.
- Paying for signatures by the number of signatures.
- Altering a signed petition without the signor's knowledge or consent.
- Fraud or attempting to defraud while gathering signatures.
- Creates a civil penalty not to exceed \$1,000-per-violation for any paid petition circulator who violates any of the above provisions.

Section 12. Amends s. 104.42, F.S., regarding unlawful registrations, petitions and voting.

- Authorizes supervisors of elections to investigate alleged petition fraud.
- Requires supervisors of elections to document and report fraud to the Florida Elections Commission within 10 days.

Section 13. Applies changes only to petitions collected and submitted for verification after the effective date of the act (August 1, 2006).

Section 14. Provides a severability clause.

Section 15. Provides an effective date of August 1, 2006, unless otherwise expressly provided.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
2. Expenditures:

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
2. Expenditures:

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

D. FISCAL COMMENTS:

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

2. Other:

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

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1 A bill to be entitled
2 An act relating to the petition process; providing a short
3 title; amending s. 99.097, F.S.; revising requirements for
4 verification of signatures on petitions; prescribing
5 limits on use of paid petition circulators; providing
6 procedures to contest alleged improper signature
7 verification; repealing s. 28, ch. 2005-278, Laws of
8 Florida, relating to procedures for placement of
9 initiatives on the ballot; amending s. 100.371, F.S.;
10 revising procedures for placing an initiative on the
11 ballot; providing requirements for information to be
12 contained on petitions; providing procedure for revocation
13 of a petition signature; requiring a statement on the
14 ballot regarding the financial impact statement; creating
15 s. 100.372, F.S.; providing regulation for initiative
16 petition circulators and their activities; repealing s.
17 33, ch. 2005-278, Laws of Florida, relating to referenda
18 and ballots; amending s. 101.161, F.S.; conforming a
19 cross-reference; amending s. 104.012, F.S.; providing
20 criminal penalties for specified offenses involving voter
21 registration applications; amending s. 104.185, F.S.;
22 proscribing specified actions involving petitions and
23 providing or increasing criminal penalties therefor;
24 amending s. 104.42, F.S.; prescribing duties of
25 supervisors of elections with respect to unlawful
26 registrations, petitions, petition revocations, and
27 voting; providing for verifying and counting signatures
28 submitted for verification before the effective date of

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the act; requiring resubmission and reapproval of petition forms; providing severability; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. This act may be cited as the "Petition Fraud and Voter Protection Act."

Section 2. Subsections (1), (3), and (4) of section 99.097, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

99.097 Verification of signatures on petitions.--

(1) As determined by each supervisor, based upon local conditions, the verification of signatures ~~checking of names~~ on petitions may be based on the most inexpensive and administratively feasible of either of the following methods of verification:

(a) A name-by-name, signature-by-signature check of the number of valid ~~authorized~~ signatures on the petitions; or

(b) A check of a random sample, as provided by the Department of State, of names and signatures on the petitions. The sample must be such that a determination can be made as to whether or not the required number of valid signatures has ~~have~~ been obtained with a reliability of at least 99.5 percent. Rules and guidelines for this method of petition verification shall be promulgated by the Department of State, which may include a requirement that petitions bear an additional number of names and signatures, not to exceed 15 percent of the names and signatures otherwise required. If the petitions do not meet such

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57 criteria, then the use of the verification method described in
58 this paragraph shall not be available to supervisors.

59
60 Notwithstanding any other provision of law, petitions to secure
61 ballot placement for an issue, and petition revocations directed
62 thereto pursuant to s. 100.371, must be verified by the method
63 provided in paragraph (a).

64 (3)(a) A signature ~~name~~ on a petition, in a name that
65 ~~which name~~ is not in substantially the same form as a name on
66 the voter registration books, shall be counted as a valid
67 signature if, after comparing the signature on the petition with
68 the signature of the alleged signer as shown on the registration
69 books, the supervisor determines that the person signing the
70 petition and the person who registered to vote are one and the
71 same. In any situation in which this code requires the form of
72 the petition to be prescribed by the division, no signature
73 shall be counted toward the number of signatures required unless
74 it is on a petition form prescribed by the division. A signature
75 on a petition may not be counted toward the number of valid
76 signatures required for ballot placement unless all relevant
77 provisions of this code have been satisfied.

78 (b) If a voter signs a petition and lists an address other
79 than the legal residence where the voter is registered, the
80 supervisor shall treat the signature as if the voter had listed
81 the address where the voter is registered.

82 (4)(a) The supervisor shall be paid in advance the sum of
83 10 cents for each signature checked or the actual cost of
84 checking such signature, whichever is less, by the candidate or,

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in the case of a petition to have an issue placed on the ballot, by the person or organization submitting the petition. However, if a candidate, person, or organization seeking to have an issue placed upon the ballot cannot pay such charges without imposing an undue burden on personal resources or upon the resources otherwise available to such candidate, person, or organization, such candidate, person, or organization shall, upon written certification of such inability given under oath to the supervisor, be entitled to have the signatures verified at no charge. In the event a candidate, person, or organization submitting a petition to have an issue placed upon the ballot is entitled to have the signatures verified at no charge, the supervisor of elections of each county in which the signatures are verified at no charge shall submit the total number of such signatures checked in the county to the Chief Financial Officer no later than December 1 of the general election year, and the Chief Financial Officer shall cause such supervisor of elections to be reimbursed from the General Revenue Fund in an amount equal to 10 cents for each signature ~~name~~ checked or the actual cost of checking such signatures, whichever is less. In no event shall such reimbursement of costs be deemed or applied as extra compensation for the supervisor. Petitions shall be retained by the supervisors for a period of 1 year following the election for which the petitions were circulated.

(b) A person or organization submitting a petition to secure ballot placement for an issue which has filed a certification of undue burden may not provide compensation to any paid petition circulator, as defined in s. 100.372, unless

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113 the person or organization first pays all supervisors for each
114 signature checked or reimburses the General Revenue Fund for
115 such costs. If a person or organization subject to this
116 paragraph provides compensation to a paid petition circulator
117 before the date the person or organization pays all supervisors
118 for each signature checked or reimburses the General Revenue
119 Fund for such costs, a signature on a petition circulated by the
120 petition circulator before that date may not be counted toward
121 the number of valid signatures required for ballot placement.

122 (6) (a) The alleged improper verification of a signature on
123 a petition to secure ballot placement for an issue pursuant to
124 this code may be contested in the circuit court by a political
125 committee or by an elector. The contestant shall file a
126 complaint setting forth the basis of the contest, together with
127 the fees prescribed in chapter 28, with the clerk of the circuit
128 court in the county in which the petition is certified or in
129 Leon County if the complaint is directed to petitions certified
130 in more than one county.

131 (b) If the contestant demonstrates by a preponderance of
132 the evidence that one or more petitions were improperly
133 verified, the signatures appearing on such petitions may not be
134 counted toward the number of valid signatures required for
135 ballot placement. If an action brought under this subsection is
136 resolved after the Secretary of State has issued a certificate
137 of ballot position for the issue, but the contestant
138 demonstrates that the person or organization submitting the
139 petition had obtained verification of an insufficient number of
140 valid and verified signatures to qualify for ballot placement,

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the issue shall be removed from the ballot or, if such action is impractical, any votes cast for or against the issue may not be counted and shall be invalidated.

(c) An action under this subsection must be commenced no later than 90 days after the Secretary of State issues a certificate of ballot position for the issue.

Section 3. Section 100.371, Florida Statutes, is amended to read:

100.371 Initiatives; procedure for placement on ballot.--

(1) Constitutional amendments proposed by initiative shall be placed on the ballot for the general election if an initiative petition is filed with the Secretary of State by February 1 of the year in which the general election is to be held ~~occurring in excess of 90 days from the certification of ballot position by the Secretary of State.~~

(2) Certification of ballot position ~~Such certification~~ shall be issued when the Secretary of State has received verification certificates from the supervisors of elections indicating that the requisite number and distribution of valid petitions bearing the signatures of electors have been submitted to and verified by the supervisors. Every signature shall be dated by the elector when made. Signatures are ~~and shall be~~ valid for a period of 4 years following such date, provided all other requirements of law are satisfied ~~complied with.~~

(3) The sponsor of an initiative amendment shall, prior to obtaining any signatures, register as a political committee pursuant to s. 106.03 and submit the text of the proposed amendment to the Secretary of State, with the form on which the

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signatures will be affixed, and shall obtain the approval of the Secretary of State of such form. ~~The division Secretary of State~~ shall adopt rules pursuant to s. 120.54 prescribing the style and requirements of such form. Upon filing with the Secretary of State, the text of the proposed amendment and all forms filed in connection with this section must, upon request, be made available in alternative formats. The contents of a petition form are limited to those items required by statute or rule. A petition form is a political advertisement as defined in s. 106.011 and, as such, must comply with all relevant requirements of chapter 106.

(4) The supervisor of elections shall record the date each petition form is received by the supervisor and the date the signature on the form is verified as valid. The supervisor shall verify that the signature on a petition form is valid only if the form complies with all of the following:

(a) The form must contain the original signature of the purported elector;

(b) The purported elector must accurately record on the form the date on which he or she signed the form;

(c) The form must accurately set forth the purported elector's name, street address, county, and voter registration number or date of birth;

(d) The purported elector must be, at the time he or she signs the form, a duly qualified and registered elector authorized to vote in the county in which his or her signature is submitted;

(e) The date the elector signed the form, as recorded by

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the elector, must be no more than 30 days before the date the form is received by the supervisor of elections;

(f) The elector must accurately record on the form whether the elector was presented with the form by a petition circulator as defined in s. 100.372;

(g) The elector must accurately record on the form whether the elector signed the form and returned it to a petition circulator as defined in s. 100.372; and

(h) The form must comply with the relevant requirements of s. 100.372.

(5) An elector may submit his or her signed form to the sponsor of the initiative amendment, by mail or otherwise, at an address listed on the form for this purpose.

(6) Each form must contain the following notices at the top of the form in bold type and in a 16-point or larger font, immediately following the title "Constitutional Amendment Petition Form":

RIGHT TO MAIL IN.--You have the right to take this petition home and study the issue before signing. If you choose to sign the petition, you may return it to the sponsors of the amendment at the following address:

NATURE OF AMENDMENT.--The merits of the proposed change to the Florida Constitution appearing below have not been officially reviewed by any court or agency of state government.

(7) An elector's signature on a petition form may be revoked by submitting to the appropriate supervisor of elections a signed petition-revocation form adopted by rule for this purpose by the division. The petition-revocation form is subject

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225 to the same relevant requirements as the corresponding petition
226 form under this code and must be approved by the Secretary of
227 State before any signature is obtained. The petition-revocation
228 form shall be filed with the supervisor of elections no later
229 than the February 1 preceding the next general election or, if
230 the initiative amendment is not certified for ballot position in
231 that election, no later than the February 1 preceding the next
232 successive general election. The supervisor of elections shall
233 promptly verify the signature on the petition-revocation form
234 and process such revocation upon payment, in advance, of a fee
235 of 10 cents or the actual cost of checking such signature,
236 whichever is less.

237 ~~(8)(4)~~ The sponsor shall submit signed and dated forms to
238 the appropriate supervisor of elections for verification as to
239 the number of registered electors whose valid signatures appear
240 thereon. The supervisor shall promptly verify the signatures
241 upon payment of the fee required by s. 99.097. Upon completion
242 of verification, the supervisor shall execute a certificate
243 indicating the total number of signatures checked, the number of
244 signatures verified as valid and as being of registered
245 electors, the number of signatures validly revoked pursuant to
246 subsection (7), and the distribution of such signatures by
247 congressional district. This certificate shall be immediately
248 transmitted to the Secretary of State. The supervisor shall
249 retain the signed petition ~~signature~~ forms and petition-
250 revocation forms for at least 1 year following the election in
251 which the issue appeared on the ballot or until the Division of
252 Elections notifies the supervisors of elections that the

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committee which circulated the petition is no longer seeking to obtain ballot position.

~~(9)(5)~~ The Secretary of State shall determine from the verification certificates received from supervisors of elections the total number of verified valid signatures and the distribution of such signatures by congressional districts. Upon a determination that the requisite number and distribution of valid signatures have been obtained, the secretary shall issue a certificate of ballot position for that proposed amendment and shall assign a designating number pursuant to s. 101.161. A petition shall be deemed to be filed with the Secretary of State upon the date of the receipt by the secretary of a certificate or certificates from supervisors of elections indicating that valid and verified the petition forms have has been signed by the constitutionally required number and distribution of electors pursuant to this code, subject to the right of revocation established in this section.

~~(10)(6)(a)~~ Within 45 days after receipt of a proposed revision or amendment to the State Constitution by initiative petition from the Secretary of State ~~or, within 30 days after such receipt if receipt occurs 120 days or less before the election at which the question of ratifying the amendment will be presented,~~ the Financial Impact Estimating Conference shall complete an analysis and financial impact statement to be placed on the ballot of the estimated increase or decrease in any revenues or costs to state or local governments resulting from the proposed initiative. The ballot must include a statement, as prescribed by rule of the Department of State, to the effect

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that the financial impact statement is required under the State Constitution and the Florida Statutes and should not be construed as an endorsement by the state of the proposed revision or amendment to the State Constitution. The Financial Impact Estimating Conference shall submit the financial impact statement to the Attorney General and Secretary of State.

(b)1. The Financial Impact Estimating Conference shall provide an opportunity for any proponents or opponents of the initiative to submit information and may solicit information or analysis from any other entities or agencies, including the Office of Economic and Demographic Research. All meetings of the Financial Impact Estimating Conference shall be open to the public as provided in chapter 286.

2. The Financial Impact Estimating Conference is established to review, analyze, and estimate the financial impact of amendments to or revisions of the State Constitution proposed by initiative. The Financial Impact Estimating Conference shall consist of four principals: one person from the Executive Office of the Governor; the coordinator of the Office of Economic and Demographic Research, or his or her designee; one person from the professional staff of the Senate; and one person from the professional staff of the House of Representatives. Each principal shall have appropriate fiscal expertise in the subject matter of the initiative. A Financial Impact Estimating Conference may be appointed for each initiative.

3. Principals of the Financial Impact Estimating Conference shall reach a consensus or majority concurrence on a

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clear and unambiguous financial impact statement, no more than 75 words in length, and immediately submit the statement to the Attorney General. Nothing in this subsection prohibits the Financial Impact Estimating Conference from setting forth a range of potential impacts in the financial impact statement. Any financial impact statement that a court finds not to be in accordance with this section shall be remanded solely to the Financial Impact Estimating Conference for redrafting. The Financial Impact Estimating Conference shall redraft the financial impact statement within 15 days.

4. If the members of the Financial Impact Estimating Conference are unable to agree on the statement required by this subsection, or if the Supreme Court has rejected the initial submission by the Financial Impact Estimating Conference and no redraft has been approved by the Supreme Court by April 1 of the year in which the general election is to be held ~~5 p.m. on the 75th day before the election~~, the following statement shall appear on the ballot pursuant to s. 101.161(1): "The financial impact of this measure, if any, cannot be reasonably determined at this time."

(c) The financial impact statement must be separately contained and be set forth after the ballot summary as required in s. 101.161(1).

(d)1. Any financial impact statement that the Supreme Court finds not to be in accordance with this subsection shall be remanded solely to the Financial Impact Estimating Conference for redrafting, provided the court's advisory opinion is rendered by April 1 of the year in which the general election is

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~~to be held at least 75 days before the election at which the~~
~~question of ratifying the amendment will be presented.~~ The
 Financial Impact Estimating Conference shall prepare and adopt a
 revised financial impact statement no later than 5 p.m. on the
 15th day after the date of the court's opinion.

2. If, by 5 p.m. on April 1 of the year in which the
general election is to be held ~~the 75th day before the election,~~
 the Supreme Court has not issued an advisory opinion on the
 initial financial impact statement prepared by the Financial
 Impact Estimating Conference for an initiative amendment that
 otherwise meets the legal requirements for ballot placement, the
 financial impact statement shall be deemed approved for
 placement on the ballot.

3. In addition to the financial impact statement required
 by this subsection, the Financial Impact Estimating Conference
 shall draft an initiative financial information statement. The
 initiative financial information statement should describe in
 greater detail than the financial impact statement any projected
 increase or decrease in revenues or costs that the state or
 local governments would likely experience if the ballot measure
 were approved. If appropriate, the initiative financial
 information statement may include both estimated dollar amounts
 and a description placing the estimated dollar amounts into
 context. The initiative financial information statement must
 include both a summary of not more than 500 words and additional
 detailed information that includes the assumptions that were
 made to develop the financial impacts, workpapers, and any other
 information deemed relevant by the Financial Impact Estimating

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Conference.

4. The Department of State shall have printed, and shall furnish to each supervisor of elections, a copy of the summary from the initiative financial information statements. The supervisors shall have the summary from the initiative financial information statements available at each polling place and at the main office of the supervisor of elections upon request.

5. The Secretary of State and the Office of Economic and Demographic Research shall make available on the Internet each initiative financial information statement in its entirety. In addition, each supervisor of elections whose office has a website shall post the summary from each initiative financial information statement on the website. Each supervisor shall include the Internet addresses for the information statements on the Secretary of State's and the Office of Economic and Demographic Research's websites in the publication or mailing required by s. 101.20.

~~(11)(7)~~ The Department of State may adopt rules in accordance with s. 120.54 to carry out this section ~~the provisions of subsections (1) (6)~~.

Section 4. Section 28 of chapter 2005-278, Laws of Florida, is repealed.

Section 5. Effective January 1, 2007, section 100.371, Florida Statutes, as amended by this act, is amended to read:

100.371 Initiatives; procedure for placement on ballot.--

(1) Constitutional amendments proposed by initiative shall be placed on the ballot for the general election if an initiative petition is filed with the Secretary of State by

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February 1 of the year in which the general election is to be held. A petition shall be deemed to be filed with the Secretary of State upon the date that the secretary determines that valid and verified petitions have been signed by the constitutionally required number and distribution of electors pursuant to this code, subject to the right of revocation established in this section.

~~(2) Certification of ballot position shall be issued when the Secretary of State has received verification certificates from the supervisors of elections indicating that the requisite number and distribution of valid petitions bearing the signatures of electors have been submitted to and verified by the supervisors. Every signature shall be dated by the elector when made. Signatures are valid for a period of 4 years following such date, provided all other requirements of law are satisfied.~~

(2)(3) The sponsor of an initiative amendment shall, prior to obtaining any signatures, register as a political committee pursuant to s. 106.03 and submit the text of the proposed amendment to the Secretary of State, with the form on which the signatures will be affixed, and shall obtain the approval of the Secretary of State of such form. The division shall adopt rules pursuant to s. 120.54 prescribing the style and requirements of such form. Upon filing with the Secretary of State, the text of the proposed amendment and all forms filed in connection with this section must, upon request, be made available in alternative formats. The contents of a petition form are limited to those items required by statute or rule. A petition form is a

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political advertisement as defined in s. 106.011 and, as such, must comply with all relevant requirements of chapter 106.

~~(3)(4)~~ The supervisor of elections shall record the date each petition form is received by the supervisor and the date the signature on the form is verified as valid. The supervisor shall also promptly record these dates in the statewide voter registration system in the manner prescribed by the Secretary of State. The supervisor shall verify that the signature on a petition form is valid only if the form complies with all of the following:

(a) The form must contain the original signature of the purported elector;

(b) The purported elector must accurately record on the form the date on which he or she signed the form;

(c) The form must accurately set forth the purported elector's name, street address, county, and voter registration number or date of birth;

(d) The purported elector must be, at the time he or she signs the form, a duly qualified and registered elector authorized to vote in the county in which his or her signature is submitted;

(e) The date the elector signed the form, as recorded by the elector, must be no more than 30 days before the date the form is received by the supervisor of elections;

(f) The elector must accurately record on the form whether the elector was presented with the form by a petition circulator as defined in s. 100.372;

(g) The elector must accurately record on the form whether

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the elector signed the form and returned it to a petition circulator as defined in s. 100.372; and

(h) The form must comply with the relevant requirements of s. 100.372.

(4)~~(5)~~ An elector may submit his or her signed form to the sponsor of the initiative amendment, by mail or otherwise, at an address listed on the form for this purpose.

(5)~~(6)~~ Each form must contain the following notices at the top of the form in bold type and in a 16-point or larger font, immediately following the title "Constitutional Amendment Petition Form":

RIGHT TO MAIL IN.--You have the right to take this petition home and study the issue before signing. If you choose to sign the petition, you may return it to the sponsors of the amendment at the following address:_____.

NATURE OF AMENDMENT.--The merits of the proposed change to the Florida Constitution appearing below have not been officially reviewed by any court or agency of state government.

(6)~~(7)~~ An elector's signature on a petition form may be revoked by submitting to the appropriate supervisor of elections a signed petition-revocation form adopted by rule for this purpose by the division. The petition-revocation form is subject to the same relevant requirements as the corresponding petition form under this code and must be approved by the Secretary of State before any signature is obtained. The petition-revocation form shall be filed with the supervisor of elections no later than the February 1 preceding the next general election or, if the initiative amendment is not certified for ballot position in

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that election, no later than the February 1 preceding the next successive general election. The supervisor of elections shall promptly verify the signature on the petition-revocation form and process such revocation upon payment, in advance, of a fee of 10 cents or the actual cost of checking such signature, whichever is less.

~~(7)(8)~~ Each signature shall be dated by the elector when made and shall be valid for a period of 4 years following such date, if all other requirements of law are met. The sponsor shall submit signed and dated forms to the appropriate supervisor of elections for verification as to the number of registered electors whose valid signatures appear thereon. The supervisor shall promptly verify the signatures upon payment of the fee required by s. 99.097. The supervisor shall promptly record each petition verified as valid in the statewide voter registration system in the manner prescribed by the Secretary of State. ~~Upon completion of verification, the supervisor shall execute a certificate indicating the total number of signatures checked, the number of signatures verified as valid and as being of registered electors, the number of signatures validly revoked pursuant to subsection (7), and the distribution of such signatures by congressional district. This certificate shall be immediately transmitted to the Secretary of State.~~ The supervisor shall retain the signed petition forms and petition-revocation forms for at least 1 year following the election in which the issue appeared on the ballot or until the Division of Elections notifies the supervisors of elections that the committee which circulated the petition is no longer seeking to

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obtain ballot position.

~~(8)-(9)~~ The Secretary of State shall determine from the signatures verified by the ~~verification certificates received~~ ~~from~~ supervisors of elections and recorded in the statewide voter registration system the total number of verified valid signatures and the distribution of such signatures by congressional districts. Upon a determination that the requisite number and distribution of valid signatures have been obtained, the secretary shall issue a certificate of ballot position for that proposed amendment and shall assign a designating number pursuant to s. 101.161. ~~A petition shall be deemed to be filed with the Secretary of State upon the date of the receipt by the secretary of a certificate or certificates from supervisors of elections indicating that valid and verified petition forms have been signed by the constitutionally required number and distribution of electors pursuant to this code, subject to the right of revocation established in this section.~~

~~(9)-(10)~~(a) Within 45 days after receipt of a proposed revision or amendment to the State Constitution by initiative petition from the Secretary of State, the Financial Impact Estimating Conference shall complete an analysis and financial impact statement to be placed on the ballot of the estimated increase or decrease in any revenues or costs to state or local governments resulting from the proposed initiative. The ballot must include a statement, as prescribed by rule of the Department of State, to the effect that the financial impact statement is required under the State Constitution and the Florida Statutes and should not be construed as an endorsement

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by the state of the proposed revision or amendment to the State Constitution. The Financial Impact Estimating Conference shall submit the financial impact statement to the Attorney General and Secretary of State.

(b)1. The Financial Impact Estimating Conference shall provide an opportunity for any proponents or opponents of the initiative to submit information and may solicit information or analysis from any other entities or agencies, including the Office of Economic and Demographic Research. All meetings of the Financial Impact Estimating Conference shall be open to the public as provided in chapter 286.

2. The Financial Impact Estimating Conference is established to review, analyze, and estimate the financial impact of amendments to or revisions of the State Constitution proposed by initiative. The Financial Impact Estimating Conference shall consist of four principals: one person from the Executive Office of the Governor; the coordinator of the Office of Economic and Demographic Research, or his or her designee; one person from the professional staff of the Senate; and one person from the professional staff of the House of Representatives. Each principal shall have appropriate fiscal expertise in the subject matter of the initiative. A Financial Impact Estimating Conference may be appointed for each initiative.

3. Principals of the Financial Impact Estimating Conference shall reach a consensus or majority concurrence on a clear and unambiguous financial impact statement, no more than 75 words in length, and immediately submit the statement to the

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Attorney General. Nothing in this subsection prohibits the Financial Impact Estimating Conference from setting forth a range of potential impacts in the financial impact statement. Any financial impact statement that a court finds not to be in accordance with this section shall be remanded solely to the Financial Impact Estimating Conference for redrafting. The Financial Impact Estimating Conference shall redraft the financial impact statement within 15 days.

4. If the members of the Financial Impact Estimating Conference are unable to agree on the statement required by this subsection, or if the Supreme Court has rejected the initial submission by the Financial Impact Estimating Conference and no redraft has been approved by the Supreme Court by April 1 of the year in which the general election is to be held, the following statement shall appear on the ballot pursuant to s. 101.161(1): "The financial impact of this measure, if any, cannot be reasonably determined at this time."

(c) The financial impact statement must be separately contained and be set forth after the ballot summary as required in s. 101.161(1).

(d)1. Any financial impact statement that the Supreme Court finds not to be in accordance with this subsection shall be remanded solely to the Financial Impact Estimating Conference for redrafting, provided the court's advisory opinion is rendered by April 1 of the year in which the general election is to be held. The Financial Impact Estimating Conference shall prepare and adopt a revised financial impact statement no later than 5 p.m. on the 15th day after the date of the court's

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opinion.

2. If, by 5 p.m. on April 1 of the year in which the general election is to be held, the Supreme Court has not issued an advisory opinion on the initial financial impact statement prepared by the Financial Impact Estimating Conference for an initiative amendment that otherwise meets the legal requirements for ballot placement, the financial impact statement shall be deemed approved for placement on the ballot.

3. In addition to the financial impact statement required by this subsection, the Financial Impact Estimating Conference shall draft an initiative financial information statement. The initiative financial information statement should describe in greater detail than the financial impact statement any projected increase or decrease in revenues or costs that the state or local governments would likely experience if the ballot measure were approved. If appropriate, the initiative financial information statement may include both estimated dollar amounts and a description placing the estimated dollar amounts into context. The initiative financial information statement must include both a summary of not more than 500 words and additional detailed information that includes the assumptions that were made to develop the financial impacts, workpapers, and any other information deemed relevant by the Financial Impact Estimating Conference.

4. The Department of State shall have printed, and shall furnish to each supervisor of elections, a copy of the summary from the initiative financial information statements. The supervisors shall have the summary from the initiative financial

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information statements available at each polling place and at the main office of the supervisor of elections upon request.

5. The Secretary of State and the Office of Economic and Demographic Research shall make available on the Internet each initiative financial information statement in its entirety. In addition, each supervisor of elections whose office has a website shall post the summary from each initiative financial information statement on the website. Each supervisor shall include the Internet addresses for the information statements on the Secretary of State's and the Office of Economic and Demographic Research's websites in the publication or mailing required by s. 101.20.

~~(10)~~~~(11)~~ The Department of State may adopt rules in accordance with s. 120.54 to carry out this section.

Section 6. Section 100.372, Florida Statutes, is created to read:

100.372 Regulation of initiative petition circulators.--

(1) As used in this section, the term:

(a) "Petition circulator" means any person who, in the context of a direct face-to-face conversation, presents to another person for his or her possible signature a petition form or petition-revocation form regarding ballot placement for an initiative.

(b) "Paid petition circulator" means a petition circulator who receives any compensation as a direct or indirect consequence of the activities described in paragraph (a).

(2) At the time a petition circulator presents to any person for his or her possible signature a petition form or

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petition-revocation form regarding ballot placement for an initiative, the petition circulator must:

(a) Be at least 18 years of age;

(b) Be eligible to register to vote in this or any other state or territory of the United States; and

(c) Not be a convicted felon who is ineligible to register or vote under s. 97.041(2)(b).

(3) A paid petition circulator shall, when engaged in the activities described in paragraph (1)(a), wear a prominent badge, in a form and manner prescribed by rule by the division, identifying him or her as a "PAID PETITION CIRCULATOR."

(4) In addition to any other practice or action permissible under law, an owner, lessee, or other person lawfully exercising control over private property may:

(a) Prohibit persons from engaging in activity on the property which supports or opposes initiatives;

(b) Permit or prohibit persons from engaging in activity on the property in support of or opposition to a particular initiative; or

(c) Permit persons to engage in activity on the property which supports or opposes initiatives, subject to restrictions with respect to time, place, and manner which are reasonable and uniformly applied.

(5) Before being presented to a possible elector for signature, a petition form or petition-revocation form regarding ballot placement for an initiative must set forth the following information in a format and manner prescribed by rule by the division:

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(a) The name of any organization or entity with which the petition circulator is affiliated and on behalf of which the petition circulator is presenting forms to electors for possible signature;

(b) The name of the sponsor of the initiative if different from the entity with which the petition circulator is affiliated;

(c) A statement directing those seeking information about initiative sponsors and their contributors to the Internet address of the appropriate division website; and

(d) A statement disclosing whether the petition circulator is a paid petition circulator, and, if so, the amount or rate of compensation and the name and address of the person or entity paying the compensation to the paid petition circulator.

(6)(a) A paid petition circulator shall attach to each signed petition form, petition-revocation form, or group of such forms obtained by the paid petition circulator a signed and dated declaration under penalty of perjury executed by the paid petition circulator, in a form prescribed by rule by the division. If the declaration pertains to a group of forms, the forms shall be consecutively numbered on their face by the paid petition circulator and the declaration shall refer to the forms by number.

(b) The declaration must include the paid petition circulator's printed name; the street address at which he or she resides, including county; the petition circulator's date of birth; the petition circulator's Florida voter registration number and county of registration, if applicable, or an

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identification number from a valid government-issued photo
identification card along with information identifying the
issuer; and the date he or she signed the declaration.

(c) The declaration shall attest that the paid petition
circulator has read and understands the laws governing the
circulation of petition and petition-revocation forms regarding
ballot placement for an initiative; that he or she satisfied the
requirements of subsection (2) at the time the attached form or
forms were circulated to the listed electors; that he or she
circulated the attached form or forms; that to the best of the
circulator's knowledge and belief each signature thereon is the
signature of the person whose name it purports to be; that to
the best of the circulator's knowledge and belief each of the
persons signing the form or forms was, at the time of signing, a
registered elector; that the circulator has not provided or
received, and will not in the future provide or receive,
compensation that is based, directly or indirectly, upon the
number of signatures obtained on petition or petition-revocation
forms; and that he or she has not paid and will not in the
future pay, and that he or she believes that no other person has
paid and will pay, directly or indirectly, any money or other
thing of value to any signer for the purpose of inducing or
causing such signer to affix his or her signature to the form.

(d) A signature on a petition form or petition-revocation
form regarding ballot placement for an initiative to which a
declaration required by this subsection is not attached is
invalid, may not be verified by the supervisor of elections, and
may not be counted toward the number of valid signatures

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729 required for ballot placement.

730 (7) Each paid petition circulator shall provide to the
731 sponsor of the initiative amendment for which he or she is
732 circulating petitions a copy of a valid and current government-
733 issued photo identification card that accurately indicates the
734 address at which the paid petition circulator resides. The
735 sponsor of the initiative shall maintain the copies of these
736 identification cards in its files and shall make them available
737 for inspection by the division, a supervisor of elections, or
738 any law enforcement agency. If a sponsor fails to maintain such
739 a copy with respect to a particular paid petition circulator,
740 all petitions obtained by that paid petition circulator before
741 the date the sponsor produces the required copy of the
742 identification card are invalid, may not be verified by the
743 supervisor of elections, and may not be counted toward the
744 number of valid signatures required for ballot placement.

745 (8) A signature on a petition form or petition-revocation
746 form regarding ballot placement for an initiative which does not
747 fully comply with the applicable provisions of this code, or
748 which was obtained in violation of the applicable provisions of
749 this code, is invalid, may not be verified by a supervisor of
750 elections, and may not be counted toward the number of valid
751 signatures required for ballot placement.

752 Section 7. Subsection (1) of section 101.161, Florida
753 Statutes, is amended to read:

754 101.161 Referenda; ballots.--

755 (1) Whenever a constitutional amendment or other public
756 measure is submitted to the vote of the people, the substance of

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such amendment or other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word "yes" and also by the word "no," and shall be styled in such a manner that a "yes" vote will indicate approval of the proposal and a "no" vote will indicate rejection. The wording of the substance of the amendment or other public measure and the ballot title to appear on the ballot shall be embodied in the joint resolution, constitutional revision commission proposal, constitutional convention proposal, taxation and budget reform commission proposal, or enabling resolution or ordinance. Except for amendments and ballot language proposed by joint resolution, the substance of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. In addition, for every amendment proposed by initiative, the ballot shall include, following the ballot summary, a separate financial impact statement concerning the measure prepared by the Financial Impact Estimating Conference in accordance with s. 100.371(10) ~~s. 100.371(6)~~. The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of.

Section 8. Section 33 of chapter 2005-278, Laws of Florida, is repealed.

Section 9. Effective January 1, 2007, subsection (1) of section 101.161, Florida Statutes, as amended by this act, is amended to read:

101.161 Referenda; ballots.--

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(1) Whenever a constitutional amendment or other public measure is submitted to the vote of the people, the substance of such amendment or other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word "yes" and also by the word "no," and shall be styled in such a manner that a "yes" vote will indicate approval of the proposal and a "no" vote will indicate rejection. The wording of the substance of the amendment or other public measure and the ballot title to appear on the ballot shall be embodied in the joint resolution, constitutional revision commission proposal, constitutional convention proposal, taxation and budget reform commission proposal, or enabling resolution or ordinance. Except for amendments and ballot language proposed by joint resolution, the substance of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. In addition, for every amendment proposed by initiative, the ballot shall include, following the ballot summary, a separate financial impact statement concerning the measure prepared by the Financial Impact Estimating Conference in accordance with s. 100.371(9) ~~s. 100.371(10)~~. The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of.

Section 10. Section 104.012, Florida Statutes, is amended to read:

104.012 Consideration for registration; interference with registration; soliciting registrations for compensation;

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alteration of registration application; failing to submit
registration application.--

(1) Any person who gives anything of value that is
redeemable in cash to any person in consideration for his or her
becoming a registered voter commits a felony of the third
degree, punishable as provided in s. 775.082, s. 775.083, or s.
775.084. This section shall not be interpreted, however, to
exclude such services as transportation to the place of
registration or baby-sitting in connection with the absence of
an elector from home for registering.

(2) A person who by bribery, menace, threat, or other
corruption, directly or indirectly, influences, deceives, or
deters or attempts to influence, deceive, or deter any person in
the free exercise of that person's right to register to vote at
any time, upon the first conviction, commits a felony of the
third degree, punishable as provided in s. 775.082, s. 775.083,
or s. 775.084, and, upon any subsequent conviction, commits a
felony of the second degree, punishable as provided in s.
775.082, s. 775.083, or s. 775.084.

(3) A person may not solicit or pay another person to
solicit voter registrations for compensation that is based upon
the number of registrations obtained. A person who violates the
provisions of this subsection commits a felony of the third
degree, punishable as provided in s. 775.082, s. 775.083, or s.
775.084.

(4) A person who alters the voter registration application
of any other person, without the other person's knowledge and
consent, commits a felony of the third degree, punishable as

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provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Any person who obtains an executed voter registration application from another person and who willfully fails to submit this application to the appropriate supervisor of elections within 10 days commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 11. Section 104.185, Florida Statutes, is amended to read:

104.185 Violations involving petitions; ~~knowingly signing more than once; signing another person's name or a fictitious name.--~~

(1) A person who knowingly signs a petition or petitions to secure ballot position for a candidate, a minor political party, or an issue more than one time commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and, upon any subsequent conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A person who signs another person's name or a fictitious name to any petition, or to a petition revocation form, to secure ballot position for a candidate, a minor political party, or an issue commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and, upon any subsequent conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person who willfully swears or affirms falsely to any oath or affirmation, willfully procures another person to

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869 swear or affirm falsely to an oath or affirmation, or willfully
 870 files a false declaration under s. 120.372(6) or willfully
 871 procures another person to do so, in connection with or arising
 872 out of the petitioning process, commits a misdemeanor of the
 873 first degree, punishable as provided in s. 775.082 or s.
 874 775.083, and, upon any subsequent conviction, commits a felony
 875 of the third degree, punishable as provided in s. 775.082, s.
 876 775.083, or s. 775.084.

877 (4) A person who willfully submits any false information
 878 on a petition or petition-revocation form commits a misdemeanor
 879 of the first degree, punishable as provided in s. 775.082 or s.
 880 775.083, and, upon any subsequent conviction, commits a felony
 881 of the third degree, punishable as provided in s. 775.082, s.
 882 775.083, or s. 775.084.

883 (5) A person who directly or indirectly gives or promises
 884 anything of value to any other person to induce that other
 885 person to sign a petition or petition-revocation form commits a
 886 misdemeanor of the first degree, punishable as provided in s.
 887 775.082 or s. 775.083, and, upon any subsequent conviction,
 888 commits a felony of the third degree, punishable as provided in
 889 s. 775.082, s. 775.083, or s. 775.084.

890 (6) A person who, by bribery, menace, threat, or other
 891 corruption, directly or indirectly influences, deceives, or
 892 deters, or attempts to influence, deceive, or deter, any person
 893 in the free exercise of that person's right to sign a petition
 894 or petition-revocation form, upon the first conviction commits a
 895 misdemeanor of the first degree, punishable as provided in s.
 896 775.082 or s. 775.083, and, upon any subsequent conviction,

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commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7) A person may not provide or receive compensation that is based, directly or indirectly, upon the number of signatures obtained on petition or petition-revocation forms. A person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and, upon any subsequent conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) A person who alters the petition or petition-revocation form signed by any other person without the other person's knowledge and consent commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and, upon any subsequent conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(9) A person perpetrating, or attempting to perpetrate or aid in the perpetration of, any fraud in connection with obtaining the signature of electors on petition or petition-revocation forms commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and, upon any subsequent conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(10) In addition to any other penalty provided for by law, if a paid petition circulator, as defined in s. 100.372(1), violates any provision of this section, the commission may, pursuant to s. 106.265, impose a civil penalty in the form of a

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fine not to exceed \$1,000 per violation on such paid petition
circulator.

Section 12. Section 104.42, Florida Statutes, is amended
to read:

104.42 Unlawful registrations, petitions, petition
revocations, ~~Fraudulent registration~~ and ~~illegal~~ voting;
investigation.--

(1) The supervisor of elections is authorized to
investigate unlawful ~~fraudulent~~ registrations, petitions,
petition revocations, and ~~illegal~~ voting and to report his or
her findings to the local state attorney, the Department of Law
Enforcement, and the Florida Elections Commission.

(2) The board of county commissioners in any county may
appropriate funds to the supervisor of elections for the purpose
of investigating unlawful ~~fraudulent~~ registrations, petitions,
petition revocations, and ~~illegal~~ voting.

(3) The supervisor of elections shall document and report
suspected unlawful registrations, petitions, petition
revocations, and voting to the Florida Elections Commission
within 10 days after acquiring reasonable suspicion concerning
the lawfulness of the registrations, petitions, petition
revocations, and voting.

Section 13. Any signature gathered on a previously
approved initiative petition form that has been submitted for
verification before August 1, 2006, may be verified and counted,
if otherwise valid. However, any initiative petition form that
is submitted for verification on or after that date may be
verified and counted only if it complies with this act and has

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953 been approved by the Secretary of State before obtaining elector
954 signatures.

955 Section 14. If any provision of this act or its
956 application to any person or circumstance is held invalid, the
957 invalidity does not affect other provisions or applications of
958 the act which can be given effect without the invalid provision
959 or application, and to this end the provisions of this act are
960 severable.

961 Section 15. Except as otherwise expressly provided in this
962 act, this act shall take effect August 1, 2006.